

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

**In re: JAMIE A BRIZENDINE  
BROOKE M KENYON**

**Case No.: 23-50020-btf-13**

**Debtors**

**MOTION TO DENY CONFIRMATION OF PLAN**

COMES NOW Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the proposed plan (document #71), filed on or about July 21, 2023. In support thereof, the trustee states that the issues related to the proposed plan include:

1. 11 U.S.C. Section 1325(a)(4):

It appears there is non-exempt equity of \$4,124.36 (individual equity). The equity comes from profit sharing (\$150.00), 2022 tax refund (\$3,138.00), 2015 BMW (\$836.36). The proposed plan will pay less to the non-priority unsecured creditors than if the estate were liquidated under Chapter 7.

2. 11 U.S.C. Section 1325(a)(4) - Tenancy by the Entirety Issues:

The trustee calculates non-exempt equity of \$34,222.89 in property held under tenancy by the entireties. The non-governmental bar date has passed and the trustee cannot determine whether the following claims represent joint or individual debts Missouri Department of Revenue court claim # 24. Please clarify if whether these claim represents joint or individual debt.

3. 11 U.S.C. Section 1325(a)(6):

The debtors are \$1,500.00 delinquent.

4. 11 U.S.C. Section 1325(b):

a. On Schedule J and 122C-1 the debtors include a 26 year son as a household member, but no income is listed for this individual on Schedule I. Please explain why this adult household member is not contributing income to the household.

b. Schedule I reflects net business \$1,000.00. The debtors have failed to provide the required attachment showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.

5. Treatment of Secured Creditors:

The debtors propose to surrender Ally Bank. This debt is a joint creditor. The plan does not state how the deficiency claim will be paid if one is filed. The plan provides for one treatment to the non-priority unsecured creditors. Please amend to clarify.

WHEREFORE, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

July 25, 2023

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee  
2345 Grand Blvd., Ste. 1200  
Kansas City, MO 64108-2663  
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**NOTICE OF MOTION**

**Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.** Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order denying confirmation of the plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

**NOTICE OF SERVICE**

The following parties will be served either electronically or by United States First Class Mail. If any party is served by United States First Class Mail a certificate of service will be filed thereafter:

DEBTOR(S)

WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

LB /Motion - Deny Confirmation